

REMARKS

This Amendment is responsive to the Office Action dated June 21, 2004. Claims 40-59 and 87-126 were pending in the application. In the Office Action, claims 40-59 and 87-126 were rejected. In this Amendment, claims 40, 87, 92, 99, 105, 113 and 121 have been amended. Claims 40-59 and 87-126 thus remain for consideration

Applicants submit that claims 40-59 and 87-126 are now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

Drawings

The Examiner asserted that the drawings do not include the reference numerals "303-1" and "240," which were mentioned in the description.

However, Applicants note that reference numeral 303-1 is included in at least Figure 1 (upper left hand portion), and that reference numeral 240 is included in at least Figure 28 (upper left hand portion). Accordingly, Applicants respectfully request that the objections to the drawings be withdrawn.

Double Patenting

Claims 40-59 and 87-126 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 29-40, 60, 61, 82, 83, 85 and 86 of U.S. Patent No. 6, 005,562.

As noted by the Examiner, a timely filed terminal disclaimer may be used to overcome the double patenting rejections provided the conflicting application and/or patent is shown to be commonly owned with the present application.

It is not clear if the amended claims of the present application are obvious in view of claims 29-40, 60, 61, 82, 83, 85 and 86 of U.S. Patent No. 6,005,562. Hence, Applicants will consider the filing of a Terminal Disclaimer if the amended claims of the present application are obvious in view of U.S. Patent No. 6,005,562.

§103 Rejections

Claims 40-47, 49, 52-59, 87-90, 92-97, 99-103, 105-109, 111-115, 117, 119-123 and 125 rejected under 35 U.S.C. §102(e) as being anticipated by Lawler et al. (U.S. Patent No. 5,805,763).

Claims 48, 50, 51, 91, 98, 104, 110, 116, 118, 124 and 126 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lawler.

Applicants respectfully submit that the independent claims (claims 40, 87, 92, 99, 105, 113 and 121) are patentable over Lawler.

Applicants' invention as recited in the independent claims is directed toward apparatuses and methods in which programs that are to be broadcast are represented by image data corresponding to reduced size images. Each of the claims recites that "said image data is sufficient for generating said reduced size images, such that generation of said reduced size images does not require linking said image data to other data."

Lawler fails to disclose representing programs that are to be broadcast by image data corresponding to reduced size images, wherein the image data is sufficient for generating the reduced size images such that generation of the reduced size images does not require linking the image data to other data. Indeed, as pointed out by the Examiner in section 3 of the Office Action, Lawler requires a link to a "video preview" (Lawler col. 4, lines 40-46). Accordingly,

Applicants believe that claims 40, 87, 92, 99, 105, 113 and 121 are patentable over Lawler on at least this basis.

Furthermore, since dependent claims inherit the limitations of their base claims, dependent claims 41-59, 88-91, 93-98, 100-104, 106-112, 114-120 and 122-126 are believed to be patentable over Lawler for at least the same reasons discussed in connection with the independent claims 40, 87, 92, 99, 105, 113 and 121.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

PATENT  
450100-3598.1

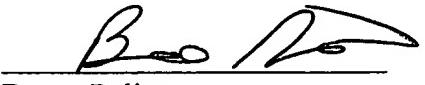
The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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